

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:20MJ4

TODD MICHAEL HENSLEY,

Defendant.

PRELIMINARY HEARING AND DETENTION ORDER

On January 28, 2020, came the United States of America by Shawn Adkins, Assistant United States Attorney, and also came the Defendant, Todd Michael Hensley, in person and by his counsel, Brendan Leary, Assistant Federal Public Defender, for a combined Preliminary Hearing and Detention Hearing in the above-styled criminal action

Upon considering the evidence and the argument of counsel as to the Preliminary Hearing, the Court finds that there is probable cause to believe that Defendant did knowingly and intentionally possess with the intent to distribute methamphetamine, which is a Schedule II controlled substance, in violation of 21 U.S.C. § 841. Accordingly, it is **ORDERED** that the Defendant be bound over to the Grand Jury pursuant to 18 U.S.C. §3161(b).

Upon hearing the evidence and the argument of counsel as to the detention portion of the hearing, the Court finds that pursuant to Title 18, United States Code, Section 3142(e), the presumption to detain applies since the violation charged in said complaint naming this Defendant is punishable by ten years or more under the Controlled Substances Act.

The Court further finds as follows:

1. Defendant did not successfully rebut said presumption.
2. There is clear and convincing evidence that Defendant would be a danger to the community.
3. In particular, the circumstances of the arrest are troubling to the Court. Defendant appears to have planned a lengthy trip to the Northern District of West Virginia to distribute methamphetamine. Defendant was found in this District with a large amount (approximately three (3) pounds of methamphetamine) and a loaded firearm.
4. The Court also notes evidence that Defendant threatened violence during at least one conversation with a confidential informant.
5. No bond conditions could be set to reasonably ensure the appearance of the Defendant and the safety of the community.

Based upon the evidence presented and the above findings of fact and conclusions of law, the Government's Motion to Detain [ECF No. 6] is **GRANTED**. Accordingly, it is hereby further **ORDERED** that:

1. The Defendant is hereby **REMANDED** to the custody of the United States Marshal pending further proceedings in this case;
2. The Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel;
4. On order of a court of the United States or on request of an attorney for the

Government, the person in charge of the corrections facility in which Defendant is confined shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and

5. Any Party seeking revocation or amendment of this Order shall file a motion pursuant to 18 U.S.C. § 3145.

The Clerk of the Court is **DIRECTED** to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia, to the United States Marshals Service and the United States Probation Office.

DATED: 1/28/2020

/s/ James P. Mazzone

JAMES P. MAZZONE
UNITED STATES MAGISTRATE JUDGE